

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

**DEC 07 2005**

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

ALBERT S. YOSHII,

Plaintiff - Appellant,

V.

PAUL LEMAHIEU, individually; PAULA  
YOSHIOKA, individually; RENEE  
TARUMOTO, in her capacity as the  
Assistant Superintendent of Division of  
Administrative Services, Department of  
Education; DEPARTMENT OF  
EDUCATION, STATE OF HAWAII;  
PATRICIA HAMAMOTO, individually  
and in her capacity as Superintendent of  
the Department of Education,

Defendants - Appellees.

No. 03-17297

D.C. No. CV-00-00793-DAE

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Hawaii  
David A. Ezra, District Judge, Presiding

Submitted November 22, 2005<sup>\*\*</sup>  
Honolulu, Hawaii

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited  
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without  
oral argument. See Fed. R. App. P. 34(a)(2).

Before: HAWKINS, McKEOWN, and CLIFTON, Circuit Judges.

Albert S. Yoshii appeals the district court's order granting the defendants' motion for summary judgment on grounds that Yoshii did not present a viable due process claim under the Fifth and Fourteenth Amendments of the United States Constitution or Article I of the Hawaii State Constitution. We review the appeal de novo, United States v. City of Tacoma, 332 F.3d 574, 578 (9th Cir. 2003), and affirm.

Yoshii argues that he was denied due process when he was transferred from one position to another within the Department of Education. He maintained the same salary and benefits. A mere change in job duties or job title, without more, does not impinge a federally cognizable property interest. See Stiesberg v. California, 80 F.3d 353, 357 (9th Cir. 1996). Consequently, Yoshii did not meet the threshold requirement of establishing that he was deprived of a protected interest. See Am. Mfrs. Mut. Ins. Co. v. Sullivan, 526 U.S. 40, 59 (1999). Accordingly, his related arguments regarding the failure to follow a specified grievance process are without legal support. See id.

**AFFIRMED.**